




J. Craig Whitley
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

IN RE:

CALVIN RAY KENNEDY a/k/a
C. RAY KENNEDY and
CYNTHIA M. KENNEDY,

Debtors.

CASE NO. 20-30208
CHAPTER 11

ORDER

THIS CAUSE, coming on to be heard and being heard before J. Craig Whitley, United States Bankruptcy Judge for the Western District of North Carolina, upon the Motions (1) To Enjoin Use of Cash Collateral, et al. (doc #32)(hereinafter "Motion") of Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not in its individual capacity but solely as Owner Trustee of Residential Credit Opportunities Trust II, (hereinafter "Wilmington Savings") and Notice of Hearing and Response of Debtors to Motions, et al. (doc #34)(hereinafter "Response") being heard on March 9, 2021;

It appearing to the Court that the Motion of Wilmington Savings was properly served on all parties including those parties as noted on the Debtors' mailing matrix and that only the Debtors filed a Response thereto;

It further appearing to the Court that James H. Henderson appeared for and on behalf of the Debtors, that William Walt Pettit appeared for and on behalf of Wilmington Savings, and that Shelley K. Abel, Bankruptcy Administrator, appeared; and

It further appearing to the Court that the March 1, 2021 phone payment was returned by the bank with the notation “unable to locate”, that the Debtors should be required to remit the March 1, 2021 payment within ten (10) days from the date of this Order by forwarding a check to Wilmington Savings and that the Debtors should remit the regular monthly payment of principal, interest and escrow amount in the total amount of \$28,291.84 each to Wilmington Savings on or before April 1, 2021 and May 1, 2021; and

It further appearing to the Court that the Debtors should be authorized to use the cash collateral of Wilmington Savings provided they timely remit the payments referenced hereinabove, that the Motion should be continued to April 27, 2021 to allow the Debtors sufficient time to obtain approval of their Disclosure Statement and confirmation of their Plan and that the entry of this Order does not prejudice or alter the Debtors’ rights to contest any of the factual statements or legal conclusions in the Motion or waive any defenses as set forth in their Response.

NOW, THEREFORE, IT HEREWITH IS ORDERED, ADJUDGED AND DECREED as follows:

1. That the Debtors be and they are herewith order to forward a check to Wilmington Savings for the March 1, 2021 payment in the sum of \$28,291.84 within ten (10) days from the date of the entry of this Order;

2. That the Debtors are authorized and directed to remit regular monthly payments in the sum of \$28,291.84 each to Wilmington Savings on or before April 1, 2021 and May 1, 2021;

3. That the Motion and the Response be and the same herewith are continued to Tuesday, April 27, 2021 at 9:30 a.m. at the U.S. Courthouse, 401 West Trade Street, Charlotte, North Carolina for further hearing;

4. That the Debtors are authorized to use cash collateral of Wilmington Savings provided that they timely remit the payments noted hereinabove to Wilmington Savings; and

5. That the entry of this Order does not prejudice or alter the Debtors' rights to contest any of the factual statements or legal conclusions set forth in the Motion or waive any defenses as set forth in their Response.

This Order has been signed electronically. The Judge's signature and Court's Seal appear at the top of the Order.

United States Bankruptcy Court